

60,130-1168
99MRA0172**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-17 and 19-25 are currently pending and stand finally rejected by the Examiner. No new matter has been added. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Amendment is therefore respectfully requested.

§ 112 rejection

Claims 1, 19, and 24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended the claims to obviate this rejection and clarify the subject matter being claimed without changing the claim scope. Withdrawal of the rejection is respectfully requested.

§ 102 rejection

Claims 1-17 and 19-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP-09-328964 to Ohiro and its U.S. equivalent, U.S. Patent No. 6,100,658 to Ohiro-Kume ("Ohiro"). Applicant respectfully traverses this rejection.

The Office Action asserted that Ohiro detects a disturbance factor that is different from the acceleration of the motor and therefore anticipates the claimed invention. Applicant respectfully disagrees.

Amended claims 1, 19 and 25 clarify that the claimed invention distinguish between an actuator force applied to the closure by the actuator and an acceleration force applied to the closure by an external acceleration as two separate values. For any given measurement cell output comparison, the invention can distinguish the amount of force that is being applied by the actuator from the amount of force being applied by an external acceleration as two separate values. Ohiro, by contrast, merely detects whether a rough road condition is occurring (col. 8, lines 39-47) and raises an object jamming threshold if it determines that the vehicle is travelling on a rough road (col. 8, lines 50-65).

Ohiro's system is not able to actually distinguish an actuator force from an acceleration force; if, for example, an object jam occurred on a rough road, Ohiro can only raise the jamming

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threshold to compensate for any anticipated increases in the combined actuator and acceleration force in a jamming situation. Ohiro cannot actually determine how much of a total force in a jam is caused by the actuator force versus how much is caused by external acceleration; it can only distinguish between a combined force value on a smooth road and an anticipated combined force value on a rough road.

The claimed invention, by contrast, actually distinguishes between an actuator force and an acceleration force separately, making it possible to isolate the actuator force to detect a trap condition. In other words, the invention allows evaluation of the actuator force itself, free from the effects of the acceleration force. As explained above, Ohiro at best discloses evaluating a combined force that incorporates both actuator force and acceleration force components. Ohiro therefore fails to anticipate claims 1-17 and 19-25, and withdrawal of the rejection is respectfully requested.

Claims 1-17 and 19-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,832,664 to Tajima ("Tajima"). Applicant respectfully traverses this rejection.

As noted in Applicant's previous response, Tajima only discloses a power window device that detects finger nipping by comparing a detected pressure with a reference pressure. Col. 3, lines 66-67 and col. 4, lines 1-49, which were referenced by the Office Action, only teach sensing a thrust load on a rotary shaft of a motor and comparing the sensed thrust load with a reference value (see also col. 2, lines 2-6). Because Tajima focuses only on the amount of load on the rotary shaft with respect to a threshold, Tajima does not even address acceleration forces caused by external accelerations, let alone distinguish between actuator force and acceleration force as separate values. Tajima therefore fail to anticipate claims 1-17 and 19-25, and withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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